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Attorneys for Defendants
DIOMED HOLDINGS, INC. AND DIOMED, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES,
INC.,

Plaintiff,

vs.

DIOMED HOLDINGS, INC., DIOMED,
INC., ANGIODYNAMICS, INC, and
VASCULAR SOLUTIONS, INC.

Defendants.

AND RELATED COUNTERCLAIMS

Case No. C05-02972 MMC

**STIPULATION AND ORDER TO
EXTEND THE HEARING DATE FOR
VNUS's MOTION TO STRIKE EXPERT
REBUTTAL REPORTS AND EXCLUDE
TESTIMONY**

WHEREAS, Plaintiff VNUS Medical Technologies, Inc. has filed a Motion to Strike the Rebuttal Expert Reports of Drs. R. Rox Anderson, J. Kevin McGraw, and Russell H. Samson, and to Exclude any Expert Testimony by Drs. Robert Min and Luis Navarro (D.I. 236, “Motion to Strike”);

WHEREAS the Motion to Strike is currently set for hearing on September 14, 2007, which is the Jewish holiday of Rosh HaShanah, observed by several of Defendants’ counsel;

WHEREAS the parties’ summary judgment motions are currently set for hearing on October 5, 2007, this date having been set by the Court in lieu of the originally-scheduled September 14 hearing which likewise conflicted with the Rosh HaShanah holiday (D.I. 205);

WHEREAS for the convenience of counsel and the parties, Plaintiff and Defendants have mutually agreed that it is appropriate to extend the hearing on Plaintiff’s Motion to Strike to October 5, 2007 as well;

NOW, THEREFORE, it is hereby stipulated and agreed by the respective parties by and through their counsel of record:

The hearing date on Plaintiff’s Motion to Strike (D.I. 236) shall be moved from September 14, 2007 to October 5, 2007.

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Respectfully submitted,

Dated: September 5, 2007

WOLF, GREENFIELD & SACKS, P.C.

By: /s/
Michael A. Albert
Attorneys for Defendants
Diomed Holdings, Inc. and Diomed, Inc.

Dated: September 5, 2007

MCCARTER & ENGLISH LLP

By: /s/
William H. Bright
Attorneys for Defendant
AngioDynamics, Inc.

Dated: September 5, 2007

DORSEY & WHITNEY LLP

By: /s/
Heather D. Redmond
Attorneys for Defendant
Vascular Solutions, Inc.

Dated: September 5, 2007

DAVIS POLK & WARDWELL


By: /s/
Suong T. Nguyen
Attorneys for Plaintiff
VNUS Medical Technologies, Inc.

ORDER

Based on the stipulation of the parties, the hearing date for Plaintiff's Motion to Strike the Rebuttal Expert Reports of Drs. R. Rox Anderson, J. Kevin McGraw, and Russell H. Samson, and to Exclude any Expert Testimony by Drs. Robert Min and Luis Navarro (D.I. 236) is moved from September 14, 2007 to October 5, 2007.

IT IS SO ORDERED.

DATED: September 5, 2007


MAXINE M. CHESNEY
United States District Judge